

25.07.2022
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allowed

CRM(DB) No. 2440 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Narendrapur Police Station Case No. 1338 of 2021 dated 02.11.2021 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act and Section 9 of Child Marriage Act.

And

In Re : Gour Sikari petitioner

Mr. Santanu Deb Roy
Mr. Dipankar Guha

.....for the petitioner

Mr. Tanmoy Kumar Ghosh
Ms. Sonali Bhar

..... for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 126 days. It is also contended that there was a love affair between the parties who had married each other.

Learned Counsel appearing for the State opposes the prayer for bail and submits victim is a minor.

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the amorous relationship between two young persons.

Keeping in mind the aforesaid fact and in view of period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand Only) with two sureties of like amount each, one of

whom must be local, to the satisfaction of the learned Judge, Special Court under POCSO Act, at Baruipur, South 24 Parganas, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)